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UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
In re:

ERICA ITZHAK,

Debtor.

Chapter 11

Case No.: 24-10669 (JPM)

-----X
YOSSEF KAHLON,

Plaintiff,

Adv. Pro. No. 25-01042 (JPM)

– v –

ERICA ITZHAK,

Defendant.

-----X
ANSWER

Defendant Erica Itzhak (the “Defendant”), by and through her undersigned counsel, respectfully submits the following answer (the “Answer”) to the complaint dated March 14, 2025 (the “Complaint”):

JURISDICTION, VENUE and PARTIES

1. Admits the allegations set forth in paragraph 1 of the Complaint.
2. Admits the allegations set forth in paragraph 2 of the Complaint.

3. Admits the allegations set forth in paragraph 3 of the Complaint.
4. Admits the allegations set forth in paragraph 4 of the Complaint.
5. Admits the allegations set forth in paragraph 5 of the Complaint.
6. Admits the allegations set forth in paragraph 6 of the Complaint but denies that she purports to reside at 345 East 56th Street, Apt. 4D, New York, NY as she does reside at that address.

FACTUAL BACKGROUND

7. Admits the allegations set forth in paragraph 7 of the Complaint.
8. With respect to the allegations set forth in paragraph 8 of the Complaint, admits that Plaintiff retained the Defendant to represent him and/or his company with respect to various matters including litigation.
9. With respect to the allegations set forth in paragraph 9 of the Complaint, Defendant submits such allegations constitute conclusions of law and do not require a responsive pleading.
10. Denies the allegations set forth in paragraph 10 of the Complaint.
11. Denies the allegations set forth in paragraph 11 of the Complaint.
12. Denies the allegations set forth in paragraph 12 of the Complaint.
13. Denies the allegations set forth in paragraph 13 of the Complaint.
14. Denies the allegations set forth in paragraph 14 of the Complaint.
15. Admits the allegations set forth in paragraph 15 of the Complaint.

16. With respect to the allegations set forth in paragraph 16 of the Complaint, Defendant refers the Court to the complaint in the Malpractice Action¹ for interpretation of his claims for relief against the Defendant.

17. Admits the allegations set forth in paragraph 17 of the Complaint.

18. With respect to the allegations set forth in paragraph 18 of the Complaint, Defendant admits the state court granted summary judgment in favor of Plaintiff and against the Defendant in the Malpractice Action.

19. Admits the allegations set forth in paragraph 19 of the Complaint.

20. Denies the allegations set forth in paragraph 20 of the Complaint.

21. Admits the allegations set forth in paragraph 21 of the Complaint.

COUNT I – NON-DISCHARGEABILITY UNDER 11 U.S.C. § 523(a)(2)

22. Defendant repeats and incorporates herein by reference paragraphs 1 through 21 of this Answer.

23. Defendant submits the allegations set forth in paragraph 23 of the Complaint constitute conclusions of law and do not require a responsive pleading.

24. Denies the allegations set forth in paragraph 24 of the Complaint.

25. Denies the allegations set forth in paragraph 25 of the Complaint.

26. Denies the allegations set forth in paragraph 26 of the Complaint.

COUNT II – NON-DISCHARGEABILITY UNDER 11 U.S.C. § 523(a)(4)

27. Defendant repeats and incorporates herein by reference paragraphs 1 through 21 of this Answer.

28. Defendant submits the allegations set forth in paragraph 28 of the Complaint

¹ Any capitalized terms not defined herein, shall have the meaning ascribed to such terms in the Complaint.

constitute conclusions of law and do not require a responsive pleading.

29. Admits the allegations set forth in paragraph 29 of the Complaint.

30. Defendant submits the allegations set forth in paragraph 30 of the Complaint constitute conclusions of law and do not require a responsive pleading.

31. Denies the allegations set forth in paragraph 31 of the Complaint.

32. Denies the allegations set forth in paragraph 32 of the Complaint.

COUNT III – NON-DISCHARGEABILITY UNDER 11 U.S.C. § 523(a)(6)

33. Defendant repeats and incorporates herein by reference paragraphs 1 through 21 of this Answer.

34. Defendant submits the allegations set forth in paragraph 34 of the Complaint constitute conclusions of law and do not require a responsive pleading.

35. Denies the allegations set forth in paragraph 35 of the Complaint.

36. Denies the allegations set forth in paragraph 36 of the Complaint.

37. Denies the allegations set forth in paragraph 37 of the Complaint.

38. Denies the allegations set forth in paragraph 38 of the Complaint.

39. Denies the allegations set forth in paragraph 39 of the Complaint.

FIRST AFFIRMATIVE DEFENSE

40. The Complaint fails to state a cause of action upon which relief can be granted.

WHEREFORE, Defendant prays for judgment as follows: (i) dismissing the Complaint in its entirety; and (ii) for such other and further relief as the Court may deem just and proper.

Dated: New York, New York
April 17, 2025

TARTER KRINSKY & DROGIN LLP
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